

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 400 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-28-27-3, AS ADDED BY P.L.202-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 3. (a) The skills 2016 training fund is established
- 6 to do the following:
- 7 (1) Administer the costs of the skills 2016 training program
- 8 established under IC 22-4-10.5.
- 9 (2) Undertake any program or activity that furthers the purposes
- 10 of IC 22-4-10.5.
- 11 (3) Refund skills 2016 training assessments erroneously collected
- 12 and deposited in the fund.
- 13 (b) **Except as provided in IC 22-4.1-17**, the money in the fund
- 14 shall be allocated as follows:
- 15 (1) An amount to be determined annually shall be set aside for the
- 16 payment of refunds from the fund.
- 17 (2) The remainder of the money in the fund shall be allocated to
- 18 employers or consortiums for incumbent worker training grants
- 19 that enable workers to obtain recognizable credentials or
- 20 certifications and transferable employment skills that improve
- 21 employer competitiveness.
- 22 (c) Special consideration shall be given to the state educational
- 23 institution established under IC 20-12-61 to be the provider of the
- 24 training funded under this chapter whenever the state educational
- 25 institution:
- 26 (1) meets the identified training needs of an employer or a
- 27 consortium with an existing credentialing or certification
- 28 program; and
- 29 (2) is the most cost effective provider.
- 30 (d) For the incumbent worker training grants described in
- 31 subsection (b), the department of workforce development shall do the

1 following:

2 (1) Provide grant applications to interested employers and
3 consortiums.

4 (2) Accept completed applications for the grants.

5 (3) Obtain all information necessary or appropriate to determine
6 whether an applicant qualifies for a grant, including information
7 concerning:

8 (A) the applicant;

9 (B) the training to be offered;

10 (C) the training provider; and

11 (D) the workers to be trained.

12 (4) Prepare summaries or other reports to assist the secretary of
13 commerce in reviewing the grant applications.

14 (e) The department of workforce development shall forward the
15 grant applications and other information collected or received by the
16 department under subsection (d) to the secretary of commerce who
17 shall allocate the money in the fund in accordance with subsections (b)
18 and (c), after considering the information provided by the department
19 of workforce development.

20 (f) The corporation shall enter into an agreement with the
21 department of workforce development for the department of workforce
22 development to administer the fund using money appropriated from the
23 fund.

24 (g) The treasurer of state shall invest the money in the fund not
25 currently needed to meet the obligations of the fund in the same
26 manner as other public money may be invested.

27 (h) Money in the fund at the end of a state fiscal year does not revert
28 to the state general fund.

29 (i) The fund consists of the following:

30 (1) Assessments deposited in the fund.

31 (2) Earnings acquired through the use of money belonging to the
32 fund.

33 (3) Money deposited in the fund from any other source.

34 (4) Interest and penalties collected.

35 (j) Any balance in the fund does not lapse but is available
36 continuously to the corporation for expenditures for the program
37 established under IC 22-4-10.5 consistent with this chapter, after
38 considering any information concerning an expenditure provided by the
39 department of workforce development."

40 Page 1, line 2, after "EFFECTIVE" insert "JANUARY 1, 2007
41 (RETROACTIVE)]":

42 Page 1, delete line 3.

43 Page 2, delete lines 21 through 23, begin a new paragraph and
44 insert:

45 **"(b) For each specified state fiscal year, the department of**
46 **workforce development may award not more than the following**
47 **amounts of tax credits under this chapter:**

(1) For the state fiscal year beginning July 1, 2007, five million dollars (\$5,000,000).

(2) For the state fiscal year beginning July 1, 2008, the sum of:

(A) two million five hundred thousand dollars (\$2,500,000); plus

(B) the amount by which the subdivision (1) amount exceeds the amount of tax credits that the department awards under this chapter during the state fiscal year beginning July 1, 2007."

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(d) The department of workforce development shall process employer applications for an award of credits under this chapter in the order the applications are received. If the department of workforce development determines that an employer applicant meets the qualifications developed under subsection (c)(1), the department of workforce development shall immediately certify the employer for an award of credits in accordance with section 9 of this chapter."

Page 4, line 22, delete "shall" and insert **"may"**.

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 3. IC 22-4-14-2, AS AMENDED BY P.L.108-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:

(1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the department by rule adopts; ~~and~~

(2) subsequently reported with the frequency and in the manner, either in person or in writing, that the department by rule adopts; and

(3) complied with IC 22-4.1-17.

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The department shall by rule waive or alter the requirements of this section as to such types of cases or situations with respect to which the department finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this article.

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the department.

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

SECTION 4. IC 22-4.1-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17. Workforce Skill Advancement Project

Sec. 1. As used in this chapter, "project" refers to the workforce skill advancement project established by section 5 of this chapter.

Sec. 2. As used in this chapter, "regional workforce board" has the meaning set forth in IC 22-4.5-2-9.7.

Sec. 3. As used in this chapter, "work keys" means a three (3) stage standardized employability skills assessment tool implemented by the department.

Sec. 4. As used in this chapter, "workforce investment board" has the meaning set forth in IC 22-4.5-2-13.5.

Sec. 5. (a) The workforce skill advancement project is established.

(b) The department shall administer the project.

(c) The project includes the following components:

(1) Participation in an orientation to the one stop system and one stop partners. The orientation must include information about available jobs and the skills, certifications, and training necessary to qualify for the jobs.

(2) Completion of the work keys skills assessments for:

(A) reading for information;

(B) applied mathematics; and

(C) locating information.

Sec. 6. (a) Except as provided in section 8 of this chapter, if the department determines that an individual is eligible for unemployment insurance benefits under IC 22-4, the individual shall participate in the project.

(b) An individual who participates in the project shall participate in the skill remediation components for each skill area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

(c) An individual who applies for unemployment insurance and wants to work in a different occupational area than the area in which the individual was employed shall participate in a work keys skills assessment for the new occupational area. The individual shall participate in a skill remediation component for each occupational area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

Sec. 7. Each regional workforce board, together with local elected officials, shall develop a plan of short term training options, not to exceed six (6) weeks in length, and placement assistance to provide to individuals who participate in the project. To the extent possible, a regional workforce board shall use existing remediation software and adult education programs for skill remediation under this chapter.

Sec. 8. (a) For purposes of this section, an individual is job

- 1 attached if the individual:
- 2 (1) expects to be recalled to a job within twelve (12) weeks
- 3 after becoming separated from employment; and
- 4 (2) is not required to contact other employers or register for
- 5 work until after the expiration of twelve (12) weeks;
- 6 as confirmed by the department with the individual's employer.
- 7 (b) An individual who:
- 8 (1) is eligible for unemployment insurance as determined by
- 9 the department; and
- 10 (2) is not job attached;
- 11 shall participate in the project unless the individual is exempt
- 12 under subsection (c).
- 13 (c) The department, in consultation with the workforce
- 14 investment boards and the regional workforce boards, shall
- 15 develop a policy under which an individual described in subsection
- 16 (b) is exempt from participation in the project if the individual's
- 17 participation poses a hardship to the individual. A hardship may
- 18 include the following:
- 19 (1) There is a lack of training provided within a reasonable
- 20 distance from the individual's residence or most recent
- 21 worksite.
- 22 (2) The individual has already been assessed and remediated
- 23 by means of a suitable assessment tool, as determined by the
- 24 department.
- 25 (3) The individual possesses basic work skills that department
- 26 and the regional workforce board determine are in demand.
- 27 (4) There are insufficient funds to provide training.
- 28 (d) An individual who is:
- 29 (1) job attached; and
- 30 (2) temporarily laid off;
- 31 may participate in the project at the discretion of the regional
- 32 workforce board.
- 33 Sec. 9. (a) An individual who is required to participate in the
- 34 project but fails to begin participation is ineligible for
- 35 unemployment insurance benefits for the week in which the
- 36 individual's participation is scheduled to begin and for each
- 37 following week until the individual begins participation in the
- 38 project.
- 39 (b) The department shall make a determination that an
- 40 individual is ineligible for unemployment insurance benefits under
- 41 subsection (a) in accordance with IC 22-4-17.
- 42 Sec. 10. The department, workforce investment boards, and
- 43 regional workforce boards shall fund the project with set asides
- 44 from the existing funds available from the following sources:
- 45 (1) Wagner-Peyser Act (29 U.S.C. 49 et seq.).
- 46 (2) Workforce Investment Act (29 U.S.C. 2801 et seq.).
- 47 (3) Skills 2016 training fund established by IC 5-28-27-3.
- 48 The general assembly shall determine the amount of funding from

1 each source.

2 **Sec. 11. (a) Not later than June 1 of each year, each regional**
3 **workforce board shall report to the department in an electronic**
4 **format on the status of the regional workforce board's programs**
5 **under this chapter.**

6 **(b) Not later than July 1 of each year, the department shall**
7 **compile the reports submitted under subsection (a) and submit the**
8 **compilation in an electronic format under IC 5-14-6 to the general**
9 **assembly.**

10 **Sec. 12. The department may adopt rules under IC 4-22-2 to**
11 **fulfill its duties and obligations under this chapter."**

12 Page 4, between lines 36 and 37, begin a new paragraph and insert:
13 "SECTION 6. [EFFECTIVE JANUARY 1, 2007
14 (RETROACTIVE)] **IC 6-3.1-31, as added by this act, applies to**
15 **taxable years beginning after December 31, 2006."**

16 Renummer all SECTIONS consecutively.

(Reference is to SB 400 as printed February 9, 2007.)

Senator FORD